

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AZJA BANKS,

Plaintiff,

v.

UNIVERSITY OF ALASKA
ANCHORAGE, UNIVERSITY OF
ALASKA BOARD OF REGENTS AND
UNIVERSITY OF ALASKA SYSTEM,

Defendants.

Case No. 3:23-cv-00082-SLG

ORDER DIRECTING SERVICE AND RESPONSE

On April 14, 2023, self-represented litigant, Azja Banks (“Plaintiff”) filed a civil rights complaint (“Complaint”), a civil cover sheet, and an application to waive the filing fee.¹ Liberally construed,² the Complaint states plausible claims under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a), and 42 U.S.C. § 1983. This order is issued to direct Plaintiff how to effect service in this case.

IT IS THEREFORE ORDERED:

1. Plaintiff shall proceed with the following steps to ensure that service of process on each of the defendants is completed no later than **ninety (90) days from**

¹ Docket 1-3.

² See *Hebbe v. Plier*, 627 F.3d 338, 342 (9th Cir. 2010) (“[O]ur ‘obligation’ remains [after *Ashcroft v. Iqbal*, 556 U.S. 662 (2009)], ‘where the petitioner is *pro se*, particularly in civil rights cases, to construe the pleadings liberally and to afford the petitioner the benefit of any doubt.’”) (citation omitted).

the date of this order.³ This means that no later than 90 days from the date of this order, Plaintiff must complete initial service of the Complaint and Summons on each of the defendants. All service shall be made in a manner authorized by Rule 4 of the Federal Rules of Civil Procedure.

2. The Clerk of the Court shall send Plaintiff three (3) summons forms (Form AO 440 rev 06/12).
3. Plaintiff must complete each of the summons forms for the three named defendants, make a copy for her records, and return the completed forms to the Court.
4. If the summonses have been properly completed, they will then be issued by the Clerk of Court for service.
5. Once Plaintiff has received the court-issued summonses back, Plaintiff must then serve a copy of her Complaint and the issued summons on each defendant, using a method of service authorized by Rule 4, Federal Rules of Civil Procedure.⁴
6. The requirements of service are not completed until proof of service has been submitted to the Court within **ninety (90) days** of this order.⁵

³ See Fed. R. Civ. P. 4(m).

⁴ Fed. R. Civ. P. Rule 4(e)(1) allows service to be done by “following state law for serving a summons” in a state court proceeding. The state court procedure is set out at Rule 4, Alaska Rules of Civil Procedure. For additional information, see Alaska Court System forms CIV-106 (How to Serve a Summons in a Civil Lawsuit) and CIV-135 (Civil Rule 4(f) Affidavit). These forms are available on the Alaska Court System’s website at <https://courts.alaska.gov/forms/index.htm>,

⁵ See Fed. R. Civ. P. Rule 4(l)(1) (proving service).

7. At all times, Plaintiff shall keep the Court informed of any change of address. Such notice shall be titled "Notice of Change of Address."⁶ The notice shall contain only information about the change of address, and its effective date. The notice shall not include requests for any other relief. Failure to file the notice may result in the dismissal of the action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.
8. All future papers sent to the Court must be identified with the name of the Court, the case number, the name of the Plaintiff, the name of the first defendant, and the title of the document, as illustrated on the first page of this order.⁷
9. Plaintiff shall serve a copy of all further filings submitted to the Court upon Defendant or, if an appearance has been entered by counsel for Defendant, on Defendant's attorney(s).⁸ Plaintiff shall include, with any original paper filed with the Clerk of Court, a certificate stating the date that an exact copy of the document was mailed to each defendant or defendant's counsel. A Certificate of Service may be written in the following form at the end of the document:

I hereby certify that a copy of the above (name of document) was mailed, first class, U.S. mail, to (name of opposing party or counsel) at (address) on (date).

(Signature)

⁶ See Local Civil Rule 11.1(b) (requiring a notice of change of address to be filed "[s]elf-represented parties must keep the court and other parties advised of the party's current address and telephone number."). A Notice of Change of Address form, PS23, may be obtained from the Clerk of Court, if needed.

⁷ See Fed. R. Civ. P. 10(a) ("The title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.").

⁸ See Fed. R. Civ. P. 5.

Any paper received by a District Court Judge or Magistrate Judge that does not include a Certificate of Service indicating that each defendant was served with a copy of that document will be disregarded by the Court.

10. Each litigant is responsible for keeping a copy of each document filed with the Court. When a litigant sends a document to the Court, the litigant receives a Notice of Electronic Filing (“NEF”) from the Court that indicates when that document was filed on the docket and the docket number of the document. Copies of documents that have been filed with the Court may be obtained from the Clerk’s Office for \$0.50 per page. In the event of special circumstances or serious financial need, a party may file a motion asking for the cost of copies to be waived or reduced.
11. No party shall have any *ex parte* communication with a District Court Judge or Magistrate Judge of this Court about the merits of this action. This means that parties cannot communicate with any judge without the presence and/or knowledge and consent of the other parties. For example, Plaintiff shall not write letters to, or call, a judge directly. Any request for action by the Court regarding these proceedings must be filed with the Clerk of Court as a motion.
12. A motion should contain the information identified in the caption of this Order and should be titled “Motion for (add the relief requested).” In a motion, a party should state specifically and concisely what he or she wants, so that the Court understands what the party is requesting. This Court’s Local Civil Rule 7.1(b)

requires that each motion be filed with a proposed order that the Court can issue, if the motion is granted. The proposed order helps to clarify what the moving party is asking the Court to do.

13. All documents filed with the Clerk of Court must contain an original signature, and must be mailed or hand-delivered to the Court at the following address:

U.S. District Court
James M. Fitzgerald U.S. Courthouse and Federal Building
222 West 7th Avenue, Room 229
Anchorage, Alaska 99513

or by Mail to:

U.S. District Court
222 West 7th Avenue, #4
Anchorage, Alaska 99513

14. The Clerk of Court is directed to send the following to Plaintiff: (1) a copy of this order, (2) three AO 440 summons forms, (3) motion form PS12, (4) proof of service forms, and (4) a copy of the Court's *pro se* handbook, "Representing Yourself in Alaska's Federal Court."

DATED this 29th day of November 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE